

REMARKS

Claims 1-22 are pending in the application. Claim 1 has been canceled, claim 3 has been amended, and claim 23 has been added, leaving claims 2-23 for consideration upon entry of the present Amendment. Support for the amendment can be found in specification at page 11, lines 5-7 in which the light shielding layer is made of the same material as the power source line VL and original claim 5. Applicant respectfully requests reconsideration in view of the following amendment and remarks.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Yamada (U.S. 6,246,179). Applicant has canceled claim 1. However, Applicant also notes that the Examiner's rejection under 35 U.S.C. § 102(b) is improper since Yamada issued on September 5, 2000, which is not more than one year before the filing date of the present application.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada in view of Yamauchi et al. (U.S. 6,512,504) ("Yamauchi"). The U.S. filing date of Yamada is November 30, 1999 and the U.S. filing date of Yamauchi is April 18, 2000. The priority date for this Application is October 1, 1999. As noted by the Examiner, Applicants have properly claimed priority in this Application and have also submitted the priority document on January 8, 2001. Applicants are in the process of preparing a certified English translation of the priority document and will submit that document as soon as possible. As such, once the certified English translation of the priority document has been submitted, Applicants will have properly antedated both the Yamada reference and the Yamauchi reference. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 103(a).

Claims 3-4 and 6-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada in view of Hamada (U.S. 6,114,715). As explained above with respect to claim 2, the Yamada reference has been properly antedated and thus, the reference can no longer be used as prior art.

In addition, with respect to the Hamada reference, this rejection may be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of

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assignment to the same person. See 35 U.S.C. 103 (c), MPEP 706.02(I)(1) and 706.02(I)(2). As noted in the clear and conspicuous statement below, Application serial number 09/676,234 and U.S. Patent 6,114,715 were, at the time the invention of Application serial number 09/676,234 was made, subject to an obligation of assignment to Sanyo Electric Co., Ltd. Therefore, Hamada (U.S. 6,114,715) is now disqualified as prior art and must not be used in a 35 U.S.C. 103(a) obviousness rejection.

Statement Concerning Common Ownership

Application serial number 09/676,234 and U.S. Patent 6,114,715 were, at the time the invention of Application serial number 09/676,234 was made, subject to an obligation of assignment to Sanyo Electric Co., Ltd.

Applicant notes that while Hamada (U.S. 6,114,715) has been disqualified as prior art, Applicant is submitting an Information Disclosure Statement with this Amendment in which the Japanese application for Hamada (10-214043) ("Japanese Hamada reference") was laid open for publication on August 11, 1998.

Applicant explains how the Japanese Hamada reference is different from the claimed invention of the present application. Regarding claims 2 and 19, the claims describe that each pixel comprises a first thin film transistor and a second thin film transistor, which are not disclosed in the Japanese Hamada reference.

Although claim 15 does not describe that two types of thin film transistors exist, it defines that a light shielding film is provided "in a layer underlying said thin film transistor." The Japanese Hamada reference fails to disclose provision of a light shielding film under the thin film transistor as described in claim 15.

Claim 3 describes that a light shielding film is provided between an EL element and interface between a conductive region and a channel of the thin film transistor that is connected to the EL element and that the light shielding film is conductive. In the Japanese Hamada reference, the structures shown in figures 5 and 6 relate to the structure of claim 3 of the present application. The other structures in the Japanese Hamada

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reference relate to a passive matrix structure, and thus, even if a light shielding film is disclosed, there is no "thin film transistor provided in each pixel" as defined in each of the claims of the present application.

Figures 5 and 6 of the Japanese Hamada reference (which correspond to Figures 8 and 9 in the corresponding U.S. patent) show a black matrix 2 (a film that blocks light). However, the black matrix 2 in Figures 5 and 6 are not "conductive." The Japanese Hamada reference explicitly discloses that the black matrix 2 is "insulating" (in the corresponding U.S. patent, there is also an explicit description that the structure shown with the reference number 2 is an insulating light shielding film). In addition, as is clear from the structures of Figures 5 and 6, the black matrix 2 is provided in contact with pixel electrodes 103 connected to different transistors to fill between the pixel electrodes 103. Thus, if the light shielding film 2 is conductive, the adjacent pixel electrodes 103 would be electrically short-circuited, which would negate the meaning of providing an individual transistor in each pixel.

Thus, the Japanese Hamada reference does not teach or suggest all of the limitations of the claims. Accordingly, the claims are patentable over the Japanese Hamada reference.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada and Hamada and further in view of Yanagisawa (U.S. 4,759,610). As explained above, Applicant has properly antedated Yamada and disqualified Hamada as prior art. Thus, this rejection is no longer proper and must be withdrawn.

In addition, Yanagisawa fails to disclose or even suggest the possibility of providing an EL element in each pixel. Thus, Yanagisawa fails to disclose a light shielding film for shielding light between the EL element and an interface between the conductive region and the channel region of the thin film transistor that is connected to the EL element. Moreover, Yanagisawa fails to disclose or even suggest a second light shielding film provided between the transparent substrate and the thin film transistor "which is connected to the EL element."

Thus, Yanagisawa does not teach or suggest all of the limitations of the claims. Accordingly, the claims are patentable over Yanagisawa.

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In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

CANTOR COLBURN LLP

By: 

Lisa A. Bongiovi

Registration No. 48,933

CANTOR COLBURN LLP

55 Griffin Road South

Bloomfield, CT 06002

Telephone (860) 286-2929

Facsimile (860) 286-0115

Customer No. 23413

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